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Attorneys for Defendant Suprema, Inc.

10 || Attorneys for Plaintiff SecuGen Corporation

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SECUGEN CORPORATION

Case No. 11-CV-3450 SI

Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER TEMPORARILY STAYING
CASE**

V.

SUPREMA, INC., *et al.*

Defendants.

1 Plaintiff SecuGen Corporation (“SecuGen”) and Defendant Suprema, Inc.
 2 (“Suprema”) hereby stipulate as follows:

3 1. At this time there are currently two pending lawsuits between SecuGen and
 4 Suprema.

5 1. On July 20, 2011, Plaintiff SecuGen filed this action for patent
 6 infringement against Defendant Suprema (“the SecuGen Patent Infringement
 7 Action”).

8 1. On October 20, 2011, SecuGen filed a Second Amended Complaint
 9 adding as defendants N2A Access Technology, Inc., N2A USA, Inc. and Apirary,
 10 Inc. on the basis that they “sell or resell Suprema’s products in the United States”
 11 (“D.I. ¶¶ 1-2”).

12 1. As of now, Suprema has responded to the Second Amended Complaint by
 13 December 1, 2011 (“D.I. ¶¶ 1-2”) and the Case Management Conference has been
 14 scheduled for January 10, 2012 (“D.I. ¶¶ 1-2”).

15 1. On June 1, 2011, prior to the filing of this patent action, Suprema
 16 filed a declaratory judgment action in this District Court against SecuGen, seeking, in
 17 *inter alia*, a declaration as to whether and enforceable a “Joint Proceeding Clause” in an oral M
 18 Agreement between Suprema and SecuGen dated May 5, 2008, (“Case No. 08CV02C801”).
 19 The Suprema Contract Action (“the Suprema Contract Action”) does not preclude the “Joint
 20 Proceeding Clause” as valid and enforceable, and also counterclaimed for breach of
 21 contract and fraud.

22 1. At this time, Suprema has agreed to stay under the Joint Proceeding Clause
 23 against SecuGen so as to preclude from initiating any adverse proceeding against
 24 Suprema, including any action for infringement of any of SecuGen’s IP rights,
 25 during the term of the oral M Agreement, which is set to expire on May 5, 2023 and

26 1. At this time, SecuGen and Suprema agree that the oral M Agreement does not
 27 bar SecuGen’s pursuit of a patent infringement action against Suprema for products

sold or offered for sale on or after May 8, 2002, and therefore currently aware, at a minimum, to stay the SecuGen Patent Infringement Action until May 8, 2002, without prejudice to any party other than to extend such stay pending resolution of the Suprema Contract Action.

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reopectfully requeot tce Court ao followo”

(C) The pre-emptive SecuGen Patent Infringement Action shall be stayed until May 5, 2022.

(2) Defendant reoponoeo to tce Sirot Amended Complaint in tce preoent SecuGen Patent Infrinnement Action oc all be due witc in fourteen (Co) dayo of tce lift of tce otayf and

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SecuGen Corporation Suprema, Inc.

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ATTESTATION PER GENERAL ORDER 45

I, Craig C. Daniel, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, X.B., I hereby attest that the counsel listed above have concurred with this filing.

Dated: December 1, 2011

/s/
Craig C. Daniel

Attorneys for SecuGen Corporation